

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Robert Martin,

Case No. 3:16-cv-2807

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

Director Gary Mohr,

Defendant

Pro se plaintiff Robert Martin, an inmate in the Allen Oakwood Correctional Institution, has filed this civil rights action under 42 U.S.C. § 1983 against Ohio Department of Rehabilitation and Correction Director Gary Mohr. His complaint alleges causes of action for denial of a statutory right to interstate transfer to Vermont and misuse of federal funding.

Federal district courts are required, under 28 U.S.C. § 1915A, to screen all actions in which prisoners seek redress from governmental officers or employees, and dismiss before service any such action that the court determines is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See Hill v. Lappin*, 630 F.3d 468, 470-71 (6th Cir. 2010). A complaint “is frivolous where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

This action must be dismissed pursuant to §1915A. The plaintiff asserted the same allegations and claims in a prior civil rights action he filed against Director Mohr. *See Martin v. Mohr*, Case No. 1: 16 CV 382 (N.D. Ohio). Judge Polster dismissed the plaintiff’s prior action, pursuant to 28 U.S.C. § 1915A, for failure to state a plausible claim. The doctrine of *res judicata* bars

the plaintiff from re-litigating his claims in this case. *See J.Z.G. Res., Inc. v. Shelby Ins. Co.*, 84 F.3d 211, 214 (6th Cir. 1996) (under the rules of *res judicata*, a final judgment on the merits of a claim precludes a second action on that claim or any part of it, and precludes the parties or their privies from re-litigating issues that were or could have been raised in the prior action).

Accordingly, I am dismissing this action pursuant to 28 U.S.C. § 1915A. I further certify, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge